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Attorneys for Defendant
BARRY BONDS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, Plaintiffs, vs. BARRY LAMAR BONDS, Defendants	Case No.: CR 07-0732 SI STIPULATION AND [PROPOSED] ORDER FOR PRE-TRIAL DETERMINATION OF CERTAIN EVIDENTIARY ISSUES

WHEREAS, the parties believe that pre-trial determination of certain evidentiary issues will contribute to a just and orderly trial; and

WHEREAS, the parties believe that by proceeding cooperatively they can develop a

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sufficient record for the Court to consider the admissibility of certain evidence; and

WHEREAS, the parties have extensively met and conferred to discuss a format and schedule for presentation of these matters to the Court;

NOW, THEREFORE, the parties respectfully submit the following stipulation for the Court's consideration:

1. On or before December 12, 2008, Defendant will advise the Government by letter whether Defendant will object to the admission at trial of particular evidence in the following categories:

a. Laboratory and chemical tests;

b. Documentary evidence; and

c. Opinion evidence on the effects of anabolic steroids and human growth hormone.

If Defendant objects to items within these categories, which have been produced in discovery, Defendant will identify the objectionable item with reasonable particularity, and provide a brief statement (for example, "hearsay," or "no foundation to connect the evidence to the Defendant") stating the grounds for objection.

2. On or before December 26, 2008, the Government will advise Defendant in writing of whether or not it intends to offer the challenged items into evidence notwithstanding Defendant's objection. As to items which the Government intends to offer, the Government will provide an offer of proof as to how it intends to overcome the Defendant's objections.

3. If the Defendant believes that the Government's offer of proof does not provide a sufficient basis for admissibility, the Defendant will file a formal motion on or before January 15, 2009, asking the Court to exclude the evidence from the trial.

4. The Government will have 14 days to respond to the Defendant's motion papers. The parties will ask the Court for a hearing date in early February.

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DATED: December 2, 2008

LAW OFFICES OF ALLEN RUBY

Allen Ruby, Attorney for
Defendant Bonds

DATED: December 2, 2008

/S/
Jeffrey Finigan
Assistant United States Attorney

So Ordered

DATED: December ____, 2008

SUSAN ILLSTON
United States District Court Judge

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